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EXAMINER				
TANG, KAREN C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/831,274
Filing Date: May 09, 2001
Appellant(s): JONES ET AL.

Ian Jones
Ngo Neuv

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/4/08 appealing from the Office action mailed 8/2/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Bonjour et al "Internet Application over Native ATM" Sept, 30, 1997 Pages 1-15

Lee et al "RFC 1738 Uniform Resource Locator", Dec, 1994, Pages 1-26

ZShu HF "DNS and URL Naming for Public Circuit Switching Network" Oct, 1997, Page 1-4

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16-21, 23-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bonjour et al hereinafter Bonjour ("Internet applications over native ATM") in view of Lee et al hereinafter Lee (RFC 1738 Uniform Resource Locator) in further view Zhu HF ("DNS and URL Naming for Public Circuit-Switching Network") hereinafter Zhu.

1. Referring to Claims 14, 20, 21, and 27, Bonjour disclosed a method for operating a network circuit using a uniform resource locator URL (web browser utilizing the URL, 1098, par 2),

Bonjour did not expressly disclose the URL comprising an address part comprising the address of the resource, and a service parameter part, wherein it is the circuit-switched identifier part which identifies the specific type of circuit switched network via which the resource is accessible;

Lee discloses the URL comprising, an address part comprising the address of the resource (refer to page 4, section 2.3 and <address part>, page 9), and a service parameter part, wherein it is the circuit-switched identifier part which identifies the specific type of circuit switched network via which the resource is accessible (<host<a>, refer to page 9).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to indicate the components in the URL into Bonjour's invention.

The suggestion/motivation would have been that Bonjour discloses utilizing the URL and benefit of internet can adapted by the end user to whom they are already familiar with the internet technology, furthermore, it can take advantages of all the ATM network capabilities.

Both Bonjour and Lee did not expressly disclose the URL comprising a circuit-switched identifier part.

Zhu indicated and suggest the use of URL which contains a Circuit-switching network identifier part ("SIP://4711234.512.1.tel", under the references, page 1 and page 2).

The suggestion/motivation would have been that there are efforts to connect the packet switching network with circuit switching network, especially the Internet with public telephone network to allow large traffic to go through the network.

Although Lee, Bonjour and Zhu disclosed the invention substantially as claimed, Lee, Bonjour and Zhu are silent regarding and the uniform resource locator has the format: <circuit-switched identifier part>//<service parameter part>*<address part> where *is a predetermined separator character.

However, the format "<circuit-switched identifier part>//<service parameter part>*<address part> where *is a predetermined separator character" would be obvious for ordinary skill in the

art to modify the current URL format. The <circuit-switched identifier part> is a scheme which ordinary skill in the art could modify upon their desire in order to identify where the resource is located via any type of network, which is what the conventional URL's functionality, which it contains particular <scheme> to identify where the resource located at particular network. Zhu has indicate the usage of URL in the circuit switching network. That indication provides the fact that it is obvious for ordinary skill in the art to provide URL functionality in the circuit-switch network.

Although Lee, Bonjour and Zhu disclose the invention substantially as claimed, Lee, Bonjour and Zhu are silent regarding are silent regarding the service parameter part determines parameters of a connection in the specific type of circuit switched network identified by the circuit-switched identifier part to the resource.

However, as applicant indicated on the specification (refer to page 2 of the summary), the service parameter part is a scheme dependent information, it is obvious for ordinary skill in the art to modify the normal package switch identifier part to circuit switch identifier part as indicated by Zhu, therefore, it is obvious that the service parameter part will be modify and use to determines parameters of a connection in the specific type of circuit switched network (rather than packet switch network) that identified by the circuit-switched identifier part to the resource.

2. Referring to Claims 16 and 23, Bonjour disclosed in which the identifier part identifies the resource as being accessible via an ATM network (refer to page 1099, par 2).

3. Referring to Claims 17 and 24, Bonjour disclosed a method as in claim 16 in which the service parameter part includes ATM service parameters (refer to page 1100, par 3).
 4. Referring to Claims 18 and 25, Bonjour disclosed in which the service parameter part includes an identifier for a connection topology (protocol stack, refer to page 1100, par 3).
 5. Referring to Claims 19 and 26, Bonjour disclosed in which the service parameter part includes a parameter indicating a connection bandwidth (connection management, refer to page 1100, par 3).
 6. Referring to Claim 28, Bonjour disclosed a method of operating a terminal connected directly or indirectly to a circuit-switched network, the method comprising: a) reading a uniform resource locator URL (web browsing utilizes URL to extract resources), and (b) subsequently establishing a connection between the customer terminal and the resource, the connection having properties determined at least in part by one or more parameters contained in the service parameter part (by utilizing the web/internet access, the user is able to utilizing URL to access resources and able to get the service parameter part.).
- Bonjour did not expressly disclose the URL comprising an address part comprising the address of the resource, and a service parameter part, wherein it is the circuit-switched identifier part which identifies the specific type of circuit switched network via which the resource is accessible;

Lee disclosed the URL comprising an address part comprising the address of the resource (refer to page 4, section 2.3 and <address part>, page 9), and a service parameter part, wherein it is the circuit-switched identifier part which identifies the specific type of circuit switched network via which the resource is accessible (<host<a>, refer to page 9).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to indicate the components in the URL into Bonjour's invention.

The suggestion/motivation would have been that Bonjour discloses utilizing the URL and benefit of internet can adapted by the end user to whom they are already familiar with the internet technology, furthermore, it can take advantages of all the ATM network capabilities.

Both Bonjour and Lee did not expressly disclose the URL comprising a circuit-switched identifier part.

Zhu indicated and suggest the use of URL in Circuit-switching network ("SIP://4711234.512.1.tel", under the references, page 1 and page 2).

The suggestion/motivation would have been that there are efforts to connect the packet switching network with circuit switching network, especially the Internet with public telephone network to allow large traffic to go through the network.

Although Lee, Bonjour and Zhu disclosed the invention substantially as claimed, Lee, Bonjour and Zhu are silent regarding and the uniform resource locator has the format: <circuit-switched identifier part>//<service parameter part>*<address part> where *is a predetermined separator character.

However, the format "<circuit-switched identifier part>//<service parameter part>*<address part> where *is a predetermined separator character" would be obvious for ordinary skill in the

art to modify the current URL format. The <circuit-switched identifier part> is a scheme which ordinary skill in the art could modify upon their desire in order to identify where the resource is located via any type of network, which is what the conventional URL's functionality, which it contains particular <scheme> to identify where the resource located at particular network. Zhu has indicate the usage of URL in the circuit switching network. That indication provides the fact that it is obvious for ordinary skill in the art to provide URL functionality in the circuit-switch network.

Although Lee, Bonjour and Zhu disclose the invention substantially as claimed, Lee, Bonjour and Zhu are silent regarding are silent regarding the service parameter part determines parameters of a connection in the specific type of circuit switched network identified by the circuit-switched identifier part to the resource.

However, as applicant indicated on the specification (refer to page 2 of the summary), the service parameter part is a scheme dependent information, it is obvious for ordinary skill in the art to modify the normal package switch identifier part to circuit switch identifier part as indicated by Zhu, therefore, it is obvious that the service parameter part will be modify and use to determines parameters of a connection in the specific type of circuit switched network (rather than packet switch network) that identified by the circuit-switched identifier part to the resource.

7. Referring to Claim 29, Bonjour disclosed reading the uniform resource locator from a server remote from the terminal (refer to page 1099, par 3-5).

8. Referring to Claim 30, Bonjour disclosed in which step (b) is initiated by the terminal (refer to page 1099, par 3-5).

9. Referring to Claim 31, Bonjour disclosed the identifier part identifies the resource as being accessible via an ATM network, and the service parameter part contains one or more ATM service parameters (page 1100, par 3).

10. Referring to Claim 32, Bonjour disclosed a terminal for use in a communications network including a circuit-switched network, the terminal comprising:

a) a network interface for connection to the communications network (browsing, refer to page 1097, par 3, cont in page 1098);

b) and a processor arranged to carry out the following steps:

i) reading a uniform resource locator URL (web browsing utilizes URL to extract resources), and
(ii) subsequently establishing a connection between the customer terminal and the resource, the connection having properties determined at least in part by one or more parameters contained in the service parameter part (by utilizing the web/internet access, the user is able to utilizing URL to access resources and able to get the service parameter part.).

Bonjour did not expressly disclose the URL comprising, an address part comprising the address of the resource, and a service parameter part, wherein it is the circuit-switched identifier part which identifies the specific type of circuit switched network via which the resource is accessible;

Lee disclosed the URL comprising an address part comprising the address of the resource (refer to page 4, section 2.3 and <address part>, page 9), and a service parameter part, wherein it is the circuit-switched identifier part which identifies the specific type of circuit switched network via which the resource is accessible (<host<a>, refer to page 9).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to indicate the components in the URL into Bonjour's invention.

The suggestion/motivation would have been that Bonjour discloses utilizing the URL and benefit of internet can adapted by the end user to whom they are already familiar with the internet to

Both Bonjour and Lee did not expressly disclose the URL comprising a circuit-switched identifier part.

Zhu indicated and suggest the use of URL in Circuit-switching network
("SIP://4711234.512.1.tel", under the references, page 1 and page 2).

The suggestion/motivation would have been that there are efforts to connect the packet switching network with circuit switching network, especially the Internet with public telephone network to allow large traffic to go through the network technology, furthermore, it can take advantages of all the ATM network capabilities.

Although Lee, Bonjour and Zhu disclosed the invention substantially as claimed, Lee, Bonjour and Zhu are silent regarding and the uniform resource locator has the format: <circuit-switched identifier part>//<service parameter part>*<address part> where *is a predetermined separator character.

However, the format "<circuit-switched identifier part>//<service parameter part>*<address part> where *is a predetermined separator character" would be obvious for ordinary skill in the

art to modify the current URL format. The <circuit-switched identifier part> is a scheme which ordinary skill in the art could modify upon their desire in order to identify where the resource is located via any type of network, which is what the conventional URL's functionality, which it contains particular <scheme> to identify where the resource located at particular network. Zhu has indicate the usage of URL in the circuit switching network. That indication provides the fact that it is obvious for ordinary skill in the art to provide URL functionality in the circuit-switch network.

Although Lee, Bonjour and Zhu disclose the invention substantially as claimed, Lee, Bonjour and Zhu are silent regarding are silent regarding the service parameter part determines parameters of a connection in the specific type of circuit switched network identified by the circuit-switched identifier part to the resource.

However, as applicant indicated on the specification (refer to page 2 of the summary), the service parameter part is a scheme dependent information, it is obvious for ordinary skill in the art to modify the normal package switch identifier part to circuit switch identifier part as indicated by Zhu, therefore, it is obvious that the service parameter part will be modify and use to determines parameters of a connection in the specific type of circuit switched network (rather than packet switch network) that identified by the circuit-switched identifier part to the resource.

11. Referring to Claim 33, Bonjour disclosed a data server for use in a communications network including a circuit-switched network, the data server including a store programmed with a Uniform Resource Locator product according to claim 21 (page 1099, par 2).

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12. Referring to Claim 34, Bonjour disclosed a terminal in which the identifier part identifies the resource as being accessible via an ATM network, and the service parameter part contains one or more ATM service parameters (refer to page 1097, par 2, 3, page 1098, par 1).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

1) Claims 14, 20-21, 27-28, and 32

Appellant argues that the combination of Bonjour, Lee and Zhu failed to teach or suggest the limitations as follow:

“a uniform resource locator (URL), the uniform resource locator comprising a circuit-switched identifier part identifying a resource as being accessible via a circuit- switched network, an address part comprising the address of the resource, and a service parameter part, wherein it is the circuit-switched identifier part which identifies the specific type of circuit switched network via which the resource is accessible, the service parameter part determines parameters of a connection in the specific type of circuit switched network identified by the circuit-switched identifier part to the resource, and the uniform resource locator has the format:

<circuit-switched identifier part>://<service parameter part><address part> where **
is a predetermined separator character ”

Examiner disagrees.

The appellant intends to claim the variation of URL use in a particular network, (i.e., rather than the using URL in the traditional packet switched network, appellant's invention claiming the URL can be use in circuit switch network).

Office Action filed on 8/2/2007, presented three references (Bonjour, Lee, and Zhu) in combination to reject appellant's limitation.

Bonjour discloses the use of URL in the ATM environment (Page 1098, par 2, and 5, Section 2 Rationale and presentation and 2.1 Useful characteristics of Internet applications). Bonjour also discloses utilizing the existing Internet naming structure such as the DNS-style names (URL) in order to access applications (refer to 1099, under section 2.3 Requirements).

Bonjour did not specifically disclose the specific URL scheme format.

Lee discloses the general concept of URL, syntax and semantics of formalized information of location and access of resources via Internet.

Lee provides a general syntax format for URL on Page 3 where the URL can take a form of:

`<scheme>:<scheme-specific-part>`

Lee discloses derivation of the above general URL form can be examples as follow:

Example 1: Page 9, Section 3.4.1, a Gopher URL syntax, which can take a form of:

Gopher://<host>:<port>/<gopher-path>

Example 2: Page 9, Section 3.3, a HTTP URL, which can take a form of:

Http://<host>:<port>/<path>?<searchpart>

Noted that these above examples all take the forms of:

`<identifier part>://<service parameter part>*<address part>`

Lee disclose that there are many methods to access resources in the internet and URL could vary depends on the type of schemes changes (refer to Page 1, introduction). Lee further

discloses the new schemes should try to follow the same syntactic conventions of existing schemes (see Page 17).

Since Bonjour discloses the use of URL in the ATM (circuit switch network), and Lee discloses the URL's syntax, semantics and how the URL could vary depends on the syntax. It is only obvious for ordinary skill in the art to provide a particular of URL scheme format that is use in the circuit switch network environment (which is also indicated in appellant's own specification that the appellant's URL is a variation of conventional URL, but is use in the ATM, refer to Page 5, Lines 1-2).

Zhu demonstrates the motivation of using the URL in the circuit switch network, and also provides a example of using a URL when in the circuit switch network (refer to Page 1 and Page 2). By using the URL, it provides convenience method to access the desire resources.

Appellant argues that there is no motivation to combine Bonjour, Lee and Zhu.

Examiner disagrees.

Bonjour, Lee and Zhu disclose the important of accessing resources via Internet by using URL, and how URL provides an identifier to locate particular resources.

Further, KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex parte Smith*, -- USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing *KSR*, 82 USPQ2d at 1396) (available at <https://www.uspto.gov/web/offices/dcom/bpai/prec/fd071923.pdf>)

Appellant argues that Lee teaches away from the invention.

Examiner disagrees.

In response to appellant's argument that Lee is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Bonjour, Lee and Zhu disclose the important of accessing resources via Internet by using URL, and how URL provides an identifier to locate particular resources.

2) Dependent Claims 18-19, 25-26.

Appellant argues that it is Bonjour cannot possibly disclose or suggest a connection topology.

Examiner disagrees.

Bonjour discloses the utilization of URL in the ATM environment (Page 1098, par 2, and 5, Section 2 Rationale and presentation and 2.1 Useful characteristics of Internet applications). Bonjour also discloses utilizing the existing Internet naming structure such as the DNS-style names in order to access applications (refer to 1099, under section 2.3 Requirements).

So Bonjour discloses the use of URL, and it is understood from Lee that URL comprises a specific format and syntax. In order to retrieve the resource over a network, the URL itself must have the topology information in order to locate and identify the desire resource. Therefore, the limitation could be implied and read on the cited portion of Bonjour (refer to page 1100, par 3).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/K. C. T./

Examiner, Art Unit 2151

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151

Conferees:

/Bunjob Jaroenchonwanit/

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